

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary G. HERMANSON

Appl. No.: 10/658,688

Filed: September 10, 2003

For: **Codon-Optimized Polynucleotide-
Based Vaccines Against *Bacillus*
anthracis Infection**

Confirmation No.: 3461

Art Unit: 1632

Examiner: Singh, Anoop Kumar

Atty. Docket: 1530.0460002/EJH/UWJ

**Third Supplemental
Information Disclosure Statement Under 37 C.F.R. § 1.97(c)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Form are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering of this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's Second Supplemental Information Disclosure Statement filed on February 2, 2007, in connection with the above-captioned application.

A copy of **NPL6** and **NPL7** are submitted.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached IDS Form based on information presently available to the undersigned. However, the listed publication dates

should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This Third Supplemental Information Disclosure Statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Third Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

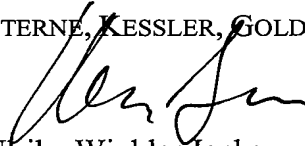
In accordance with 37 C.F.R. § 1.97(c)(2), the required fee is provided through online credit card payment authorization in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Form, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Ulrike Winkler Jenks
Attorney for Applicant
Registration No. 59,044

Date: 11/11/08

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
767667_1.DOC